

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROSEANN SAVEDRA,

Plaintiff,

vs.

No. CIV 08-627 LFG

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION TO STRIKE PLAINTIFF'S REPLY OR TO FILE SURREPLY**

THIS MATTER comes before the Court on Defendant's Motion to Strike, File a Response to Reply, and Extend Time for Response [Doc. 23], filed November 13, 2009. No response is necessary.

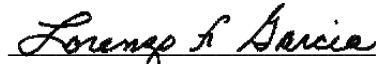
Defendant asks the Court to strike Plaintiff's Reply brief, because it raises new arguments; in the alternative, Defendant seeks leave to file a Surreply pursuant to Local Rule D.N.M.LR-Civ. 7.4(b). Plaintiff's Reply does, in fact, raise new arguments, based on counsel's misapprehension as to which ALJ decision was at issue in this case, as Defendant pointed out in its Response to Plaintiff's initial brief. Defendant now seeks to either strike the Reply or else secure the Court's permission to file a Surreply. Plaintiff acknowledged the misapprehension in the Reply brief and stated Plaintiff would have no objection to a supplemental response, or Surreply, by Defendant. [Doc. 22, at 1-2].

Defendant has shown good cause for his request to file a Surreply, and Plaintiff does not object. The Court finds it would be preferable to decide this case with full briefing from both parties on the pertinent issues.

IT IS THEREFORE ORDERED that Defendant's Motion to Strike Plaintiff's Reply or File Surreply [Doc. 23] is denied in part, to the extent the Court declines to strike Plaintiff's Response;

IT IS FURTHER ORDERED that Defendant's Motion to Strike Plaintiff's Response or File Surreply [Doc. 23] is granted in part, to the extent Defendant will be allowed to file a Surreply in order to respond to arguments newly raised in Plaintiff's Response;

IT IS FURTHER ORDERED that the Surreply is due on or before December 16, 2009.



Lorenzo F. Garcia
United States Magistrate Judge